

IC 35-43-2

Chapter 2. Burglary and Trespass

IC 35-43-2-1

Burglary

Sec. 1. A person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a Class C felony. However, the offense is:

- (1) a Class B felony if:
 - (A) it is committed while armed with a deadly weapon; or
 - (B) the building or structure is a:
 - (i) dwelling; or
 - (ii) structure used for religious worship; and
- (2) a Class A felony if it results in:
 - (A) bodily injury; or
 - (B) serious bodily injury;

to any person other than a defendant.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.42; Acts 1982, P.L.204, SEC.36; P.L.88-1999, SEC.2.

IC 35-43-2-1.5

Residential entry

Sec. 1.5. A person who knowingly or intentionally breaks and enters the dwelling of another person commits residential entry, a Class D felony.

As added by P.L.215-1991, SEC.1.

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Criminal trespass

Sec. 2. (a) A person who:

- (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;
- (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
- (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;
- (5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without the person's consent; or
- (6) knowingly or intentionally:
 - (A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

commits criminal trespass, a Class A misdemeanor. However, the offense is a Class D felony if it is committed on a scientific research facility, on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.

(b) A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:

- (1) personal communication, oral or written; or
- (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

(c) Subsections (a) and (b) do not apply to the following:

- (1) A passenger on a train.
- (2) An employee of a railroad carrier while engaged in the performance of official duties.
- (3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.
- (4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.
- (5) A person on the station grounds or in the depot of a railroad carrier:

- (A) as a passenger; or
- (B) for the purpose of transacting lawful business.

(6) A:

- (A) person; or
- (B) person's:
 - (i) family member;
 - (ii) invitee;
 - (iii) employee;
 - (iv) agent; or
 - (v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977,

*P.L.340, SEC.43; P.L.151-1989, SEC.12; P.L.242-1993, SEC.2;
P.L.164-1993, SEC.11; P.L.1-1994, SEC.168; P.L.259-1999, SEC.3.*

IC 35-43-2-3

Computer trespass

Sec. 3. (a) As used in this section:

"Access" means to:

- (1) approach;
- (2) instruct;
- (3) communicate with;
- (4) store data in;
- (5) retrieve data from; or
- (6) make use of resources of;

a computer, computer system, or computer network.

"Computer network" means the interconnection of communication lines or wireless telecommunications with a computer or wireless telecommunication device through:

- (1) remote terminals;
- (2) a complex consisting of two (2) or more interconnected computers; or
- (3) a worldwide collection of interconnected networks operating as the Internet.

"Computer system" means a set of related computer equipment, software, or hardware.

(b) A person who knowingly or intentionally accesses:

- (1) a computer system;
- (2) a computer network; or
- (3) any part of a computer system or computer network;

without the consent of the owner of the computer system or computer network, or the consent of the owner's licensee, commits computer trespass, a Class A misdemeanor.

As added by P.L.35-1986, SEC.3. Amended by P.L.29-2001, SEC.1.